

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

FREDRICK METOYER,)	
)	
Plaintiff,)	
)	
v.)	No. 08-4265-CV-C-NKL
)	
JOHN DOE,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

Plaintiff Fredrick Metoyer has made a pro se filing with this court requesting leave to proceed in forma pauperis, although he has failed to submit the appropriate form or information for the court to make such determination. This case was referred to the undersigned United States Magistrate Judge for processing in accord with the Magistrate Act, 28 U.S.C. § 636, and L.R. 72.1.

Plaintiff's documents do not contain any type of official complaint form, or other filing indicating the nature of his filing. Plaintiff's filings appear to indicate he is attempting to file something under Title 28, United States Code, and that it may be an attempt to enforce a settlement agreement reached in apparently three separate state jurisdictions, one of those being in Cole County, Missouri. Upon review, because this court is unable to make sense of plaintiff's pro se filing, his claims should be dismissed for failure to comply with Rules 3 and 8, Federal Rules of Civil Procedure. Plaintiff has failed to submit a proper complaint as required by Rule 3, and his filings fail to contain a short and plain statement identifying the court's jurisdiction or how plaintiff is entitled to relief. Fed. R. Civ. P. 3 and 8(a).

IT IS, THEREFORE, RECOMMENDED that this case be closed for failure to comply with Rules 3 and 8(a), Federal Rules of Civil Procedure.

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within twenty days. The District Judge will consider only exceptions to the specific proposed findings and recommendations of this report. Exceptions should not include

matters outside of the report and recommendation. Other matters should be addressed in a separate pleading for consideration by the Magistrate Judge.

The statute provides for exceptions to be filed within ten days of the service of the report and recommendation. The court has extended that time to twenty days, and thus, additional time to file exceptions will not be granted unless there are exceptional circumstances. Failure to make specific written exceptions to this report and recommendation will result in a waiver of the right to appeal. See L.R. 74.1(a)(2).

Dated this 13th day of January, 2009, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX
United States Magistrate Judge